

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARLOS MEDRANO, DANIEL MEDRANO,)	
JONNY LOPEZ, CARLOS RAMIREZ,)	
JOSE GUADALUP PEREZ, JUAN CARLOS)	
MEDRANO, MARCELO HERNANDEZ and)	
JORGE LARA, on behalf of themselves)	Case No. 11-C-1915
and others similarly situated,)	
)	Hon. Judge John F. Grady
Plaintiffs,)	Magistrate Judge Jeffrey T. Gilbert
)	
v.)	
)	
ALANIZ GROUP, INC.; MIGUEL ALFARO-)	
ALANIZ; and ROGELIO ALANIZ,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION TO PROCEED AS A COLLECTIVE ACTION
AND FOR EXPEDITED COURT-SUPERVISED NOTICE**

Pursuant to §16(b) of the Fair Labor Standards Act, 29 U.S.C. §216(b) ("FLSA"), Plaintiffs respectfully move this Court to authorize them to pursue the claims in Counts I and II of the Complaint as a collective action on behalf of all workers employed by Alaniz Group, Inc. to do landscaping, landscaping construction or snow removal at any time from April 2008 through the expiration of a 120-day opt-in period. Further, in order to facilitate notice to potential FLSA plaintiffs, Plaintiffs request that the Court:

1. Order Defendants to produce an electronic file with the names, addresses, phone numbers and e-mail addresses (if known) of all potential FLSA plaintiffs within seven (7) days;
2. Establish a 120 day period after the mailing of notice for potential FLSA plaintiffs to opt in; and
3. Approve Plaintiffs' proposed FLSA notice and opt-in forms (attached as Ex. A).

Plaintiffs acknowledge that the Defendants have not yet been served. However, the Court's

expedited review of this Motion is not only warranted but also essential because the statute of limitations will continue to accrue until potential FLSA plaintiffs file their consent to sue forms in Court. *See* 29 U.S.C. §216(b). The vast majority of potential FLSA plaintiffs are low-income migrant workers who have little understanding of their rights and no awareness of how to assert them. Thus, expeditious Court-approved notice is critical.

4. In the alternative, the Plaintiffs request equitable tolling of the statute of limitations on potential Plaintiffs' claims during the period in which the motion for class certification is pending, the Defendants produce a list of the potential plaintiffs, and the Plaintiffs' proposed notice and opt-in forms are approved.

Plaintiffs' arguments and authorities in support of this Motion are set forth in their separate memorandum of law.

Dated: April 8, 2011

Respectfully submitted,

/s/ Jose J. Alonso

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CERTIFICATE OF SERVICE

I, Jose J. Alonso, an attorney for Plaintiff, certify that I caused copies of the foregoing document to be served on Defendants Alaniz Landscaping, Inc., Miguel Alfaro-Alaniz, and Rogelio Alaniz by sending mailing copies via USPS First Class Mail to 1525 E. Chicago Street, Elgin, IL 60120, this 9th day of April, 2011.

/s/ Jose J. Alonso

Jose J. Alonso